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SB 1910 SD 1 HD 1 RELATING TO LAND BANKING

Statement for
House Committee on
Finance
Public Hearing - March 22, 1989

By
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The stated purpose of this bill, in accordance with the title and the committee report, is to strengthen the State's efforts to preserve resource value lands by broadening the statutory provisions for acquisition, management, and administration of these lands.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

In our previous statement on SB 1910 SD 1, we indicated our general concurrence with the intent of the bill to further and expand the means by which resource value lands may be acquired and we cited specific rationale to support our position. However, this latest version as set forth in HD 1 presents a major revision of the previous language of the bill; appears to significantly change both the intent and thrust of the legislation; and seems not to reflect either the title or the stated purpose of the bill per the committee report.

The original language of SB 1910 stressed the need for state acquisition of "land having value as a resource to the state" for preservation for future generations and the committee reports SCR 99 and SCR 692 reaffirmed this intent.

Section 1 of SB 1910 SD 1 HD 1 adds a new section designated as Resource Enhancement Plan. In this section, the Department of Land and Natural Resources is directed to prepare and periodically update a plan for enhancing recreational opportunities on land having value as a resource to the state. This resource management plan is also to include sites under the 'aina hoomalu state parks program under HRS 184.

It is not clear why the department should focus only on the recreational opportunities of land having value as a resource to the state. Why not focus on the cultural, scenic, open space, ecological, environmental, or historic values? We believe a strong argument could be made that any of those values may be equally important.

Unit of Water Resources Research Center

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Section 2 of SB 1910 SD 1 HD 1 brings in a new state parks program under HRS 184 and directs that monies in the fund for the environment shall be used for the planning, developmental, and maintenance requirements of these parks.

While we certainly are supportive of state parks and concur that additional funds may be needed to plan for, maintain, and expand state parks, we believe this is a separate issue from the original land banking intent of SB 1910.

Section 3 of the bill amends the title of HRS 173A to include "development" of resource value lands. Development of resource value lands is presently permitted under HRS 173A-8. While the proposed change will not result in specific alterations in implementation, it seems to imply a stronger emphasis toward the development of these special lands. It has been our understanding that the purpose of HRS 173A was not to emphasize the development aspects of these lands but the preservation of them "for future generations" or for example to protect critical ecological habitats. The addition of development in the title tends to imply a stronger intent toward the "economic" value of the lands rather than their "resource" value.

Section 6 expands the means by which resource value lands may be acquired to include acquisition by purchase in fee, easement, long term lease, negotiation, or land exchange and adds "exchange" to the existing permitted methods for land transfer. Expansion of the means by which lands can be acquired or transferred should improve the ability of the state to act in a timely manner and provide additional land transfer options to land owners thus facilitating their individual needs.

Section 7 of the bill provides that funds authorized by the legislature shall be deposited in or credited to the fund for the environment. We assume that the intent of this amendment is to assure that, "for purposes of this chapter," funds authorized by the legislature are credited to the Environment fund. However, as presently drafted, the phrase "for purposes of this chapter" does not seem to apply to the amended phrase. Amendment of lines 20-23, page 5, is needed and we suggest the following language:

"The proceeds from the sale of any general, obligation bonds [authorized and issued] or any other appropriations issued or authorized by the legislature for purposes of this chapter, shall be deposited in or credited to the fund."

Section 13 directs the Department of Land and Natural Resources to accord first priority to the acquisition of a specified list of parcels. Neither the bill nor the committee report provides any rationale for the priority parcels, hence we can offer no specific guidance on the merits of their selection. We suggest that page 7, line 15 be amended to request DLNR to consider the specified parcels but to permit them to establish priority guidelines for the actual purchase or acquisition of parcels as they so determine.